

ENVIRONMENTAL PROTECTION COMMISSION [567]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission (Commission) hereby gives Notice of Intended Action to amend Chapter 20, “Scope of Title—Definitions—Forms—Rules of Practice,” Chapter 21, “Compliance,” Chapter 22 “Controlling Pollution,” Chapter 23, “Emission Standards for Contaminants,” Chapter 25, “Measurement of Emissions,” Chapter 26, “Prevention of Air Pollution Emergency Episodes,” Chapter 27, “Certificate of Acceptance,” Chapter 28, “Ambient Air Quality Standards,” and Chapter 33, “Special Regulations and Construction Permit Requirements for Major Stationary Sources—Prevention of Significant Deterioration (PSD) of Air Quality,” of 567 Iowa Administrative Code.

The purpose of the proposed rulemaking is to:

- 1) Rescind unnecessary rules and update other rules to provide regulatory certainty and flexibility. The proposed rules will implement a portion of the Department of Natural Resources' (Department's) 5-year rules review plan to accomplish the requirements of Iowa Code section 17A.7(2).
- 2) Offer uniform rules by making changes that match federal regulations and eliminate inconsistency between federal and state rules. By adopting federal updates into state administrative rules, the Commission is ensuring that Iowa's air quality rules are no more stringent than federal regulations. Additionally, the updates allow the Department, rather than the United States Environmental Protection Agency (EPA), to be the primary agency to implement the air quality requirements in Iowa, thereby allowing the Department and its partners to provide compliance assistance and outreach to affected facilities.

Item 1 amends the Title of Chapter 20 to shorten and correct the title so that it better describes what is included in the chapter.

Item 2 amends rule 567—20.1(455B,17A) to update the summaries that describe each chapter of the air quality rules. The amendments proposed in Items 1 and 2 implement a portion of the Department’s rules review plan.

Item 3 amends 567—20.2(455B), the definition of “EPA reference method” to adopt the most current EPA methods for measuring air pollutant emissions (i.e. stack testing and continuous monitoring). On September 13, 2010, February 27, 2014, and April 2, 2014, EPA revised the reference methods in 40 Code of Federal Regulations (CFR) Parts 51, 60, 61, 63 to eliminate outdated procedures, add alternative testing methods, and restructure the audit program. EPA’s changes to the audit program allow providers to supply audit samples and require facilities to obtain and use these samples from the accredited providers instead of from EPA. On January 18, 2012, EPA also made administrative changes to the continuous monitoring methods in 40 CFR Part 75 for the Acid Rain program. Adopting EPA’s updates ensures that state reference methods match current federal reference methods and are not more stringent than the federal methods. Further, the alternative test methods and restructured audit program offer regulatory flexibility to affected facilities. The amendments in Items 13, 22, 23, 24, 26, and 27 are being proposed concurrently with this amendment to similarly reflect updates to EPA testing and monitoring methods as the methods apply to specific air quality programs.

Item 4 rescinds subrule 21.1(4), which specifies the emissions inventory requirements for the Clean Air Interstate Rule (CAIR). EPA rescinded the referenced federal CAIR requirements, so the provisions in subrule 21.1(4) are no longer necessary and can be removed.

Item 5 amends paragraph 22.1(1)“b” to remove to the federal amendment date for the referenced federal regulation, and instead refer to the state rule in which the federal regulation is adopted by reference. The provisions of 40 CFR Part 63 are adopted by reference in Chapter 23 (specifically, subrule 23.1(4)). This amendment implements a portion of the Department’s rules review plan by making clear what federal standards are already adopted into state rules, and by eliminating unnecessary federal reference dates.

Item 6 amends subparagraph 22.1(1)“c”(2) to update the reference to federal regulations. EPA made changes to 40 CFR Part 51, Subpart G, on November 12, 2008, to supplement the federal air quality control strategies for lead. Iowa currently has one of area of the state in Council Bluffs that is not meeting the air quality standards for lead (a nonattainment area), for which control strategies apply. EPA also made subsequent changes to Part 51, most recently on February 19, 2015, that do not change any obligations for entities affected by the requirements in this subparagraph. This amendment ensures that this subparagraph references all federal control requirements for nonattainment areas for lead, and that state control strategy requirements are not more stringent than federal requirements.

Item 7 amends paragraph 22.1(2)“b” to update the reference to federal regulations. EPA amended the specifications for burning used oil set forth in 40 CFR section 279.11 on July 14, 2006, to correct typographical errors, spelling errors, and incorrect citations. EPA’s amendments did not create any new regulatory requirements. This update ensures that the exemption from construction permitting for equipment burning used oil references the current federal requirements.

Item 8 amends paragraph 22.1(2)“x” to remove a misplaced comma.

Item 9 amends 22.1(2)“ff” to correct an error in a technical equation.

Item 10 amends paragraph 22.1(2)“oo” to update the reference to federal regulations. On April 30, 2010, EPA updated 40 CFR 1068.31 to clarify the definition of “engine,” and to make other changes that do not change any obligations for entities affected by requirements specified in this paragraph. This amendment ensures the exemption from construction permitting for non-road diesel engines references current federal regulations.

Item 11 amends subrule 22.1(3) to reduce the number copies of a construction permit application submitted to the Department. Except for projects subject to Prevention of Significant Deterioration (PSD) or nonattainment New Source Review (NSR), only one hard copy of the application (instead of two copies) needs to be submitted. For PSD or nonattainment NSR projects, the Department may request an additional hard copy or electronic copy. These changes reduce the regulatory burden on affected facilities and implement a portion of the Department’s rules review plan.

Item 12 amends paragraph 22.1(3)“b,” to replace the outdated form title, “Air Construction Permit Application” with the current instructions for submitting an application on forms available from the Department. This changes fulfills a portion of the Department’s rules review plan.

Item 13 amends 567—22.100(455B) to update specific definitions applicable to the Title V Operating Permit program, as described below.

The definition of “Designated representative” is revised to update the reference to federal regulations. On April 28, 2006, EPA made administrative changes to 40 CFR Part 72, Subpart B that do not change any obligations for entities affected by state requirements specified in the definition of “Designated representative.”

“EPA reference method” is updated to adopt the most current federal reference methods for stack tests and continuous emissions monitoring, as described above for Item 3.

“Existing hazardous air pollutant source” is revised to remove federal amendment dates and add the cross references to the state rules in which the federal regulations are adopted by reference. The federal definitions applicable to this Title V definition are adopted by reference in subrules 23.1(3) and 23.1(4)).

“High –risk pollutant” is updated to remove the federal amendment date and to add the cross reference to the state rule in which the federal regulation is adopted by reference (subrule 23.1(4)).

“Major source” is revised to reflect changes EPA made to the federal definition of “major source.” On March 6, 2015, EPA amended the Title V program definition of “major source” as it applies in nonattainment areas to make the Title V definition consistent with the definition applicable to the PSD program.

The updates in this amendment make certain that the state rules for the Title V program are consistent with federal requirements, and are no more stringent than federal requirements. Additionally, the amendment implements a portion of the Department’s rules review plan by making clear what federal standards are already adopted into state rules, and by eliminating unnecessary federal reference dates.

Item 14 amends the present definition of “subject to regulation” to adopt the updated federal methods for estimating and reporting greenhouse gas emissions.

Item 15 amends subrule 22.102(3) to update the Title V exemptions. Facilities affected by specific federal New Source Performance Standards (NSPS) and National Emission Standards

for Hazardous Air Pollutants (NESHAP) are exempt from the Title V program if being subject to these standards is the only reason a facility would be required to obtain a Title V permit. This amendment removes the federal amendment dates for all references except for one, and adds the cross references to the state rules in which the federal regulations are adopted by reference in Chapter 23. Because the Commission has not adopted the NSPS for residential wood heaters (40 CFR Part 60, Subpart AAA), the reference to this standard reflects the most current federal amendments so that affected facilities can continue to be exempt from the Title V program. The changes made in this amendment ensure that the Title V exemptions are up-to-date and include all exempt equipment and processes.

Item 16 amends subrule 22.103(1) to update the reference to federal regulations. EPA updated 40 CFR section 70.5 on October 6, 2009, but the revisions do not change any obligations for entities affected by state requirements specified in this subrule. Making this change, however, ensures that state rules for Title V insignificant activities include up-to-date references to federal regulations.

Item 17 amends paragraph 22.103(2)“b” to add indirect cooling to the description of fuel burning equipment that may be classified as an insignificant activity for the Title V program. This update provides regulatory relief for Title V facilities with indirect cooling devices. Additionally, this amendment updates the reference to federal regulations for burning used oil, as explained above for Item 7. These changes also achieve consistency in the air quality rules by making the requirements for this Title V insignificant activity identical to the construction permitting exemption for the same equipment.

Item 18 amends subrule 22.105(1) to update the mailing address for the EPA Region VII offices.

Item 19 amends subparagraph 22.108(17)“a”(2) to update the reference to federal regulations. EPA made changes to 40 CFR section 70.4 on October 6, 2009, that do not change any obligations for entities affected by the requirements specified in this subparagraph. However, the amendment ensures the state Title V provisions reference the most current federal regulations.

Item 20 amends rule 567—22.120 (455B) to update the definitions applicable to the rules for the Acid Rain program that refer to the federal Acid Rain program regulations.

EPA made revisions to Part 72 on March 28, 2011, that do not change any obligations for entities affected by the Acid Rain program. EPA also updated Part 75 on January 12, 2012, to clarify and improve monitoring methods and procedures for the Acid Rain program, as described above for Item 3. Additionally, EPA updated 40 CFR Part 78 on August 8, 2011, to update procedures unrelated to the Acid Rain program. The amendment ensures that state rules for the Acid Rain program reference the most current federal regulations.

Item 21 amends 22.128(4) to reduce the number of submittals required for the Acid Rain program from three copies of the application to two copies. This change reduces the regulatory burden for affected facilities and implements a portion of the Department’s rules review plan.

New Source Performance Standards and Air Toxics Standards (Items 22, 23, and 24)

The U.S. Clean Air Act (CAA) obligates the EPA to issue standards to control air pollution. Two categories of standards, the New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP), set standards and deadlines for industrial, commercial or institutional facilities to meet uniform standards for equipment operation and air pollutant emissions.

NESHAP regulations differ depending on whether a facility is a “major source” or an “area source.” Major sources are typically larger facilities and have potential emissions of 10 tons or more per year of any single hazardous air pollutant (HAP, also called “air toxics”) or 25 tons or more of any combination of HAPs. Area sources have potential air toxics emissions at less than the major source thresholds. Although area sources generally emit less air toxics than major sources, area sources are more numerous and may collectively cause adverse impacts to public health.

Because the NSPS and NESHAP proposed for adoption are federal regulations, affected sources are subject to the federal requirements regardless of whether the Commission adopts the standards into state rules. However, the CAA allows a state or local agency to implement NSPS and NESHAP as a “delegated authority.” Upon state adoption, the Department becomes the delegated authority for the specific NSPS or NESHAP, and is the primary implementation agency in Iowa. Two local air agencies, Polk County and Linn County, implement these standards within their counties. Iowa’s rules, including all compliance deadlines, are identical to the federal NSPS and NESHAP as of a specific date.

Stakeholders affected by NSPS and NESHAP typically prefer for the Department, rather than EPA, to be the primary implementation authority. Upon adoption of the new and amended NSPS and NESHAP, the Department will work with affected facilities to provide compliance assistance, as needed. Additionally, affected area sources that are small businesses are eligible for free assistance from the Iowa Air Emissions Assistance Program through the University of Northern Iowa.

NSPS Amendments

Item 22 amends subrule 23.1(2) to adopt new and revised NSPS, as described below.

The text in parentheses in each section heading below indicates the applicable subpart(s) in 40 CFR Part 60 and the corresponding paragraph(s) in subrule 23.1(2).

Fossil Fuel-Fired Steam Generating Units

(Subparts D, Da, Db, and Dc; paragraphs “a,” “z,” “ccc,” and “lll,” respectively)

These changes will make clear that recent EPA revisions to the standards for fossil fuel-fired steam generators are not adopted into state rules. EPA finalized amendments to the NSPS in conjunction with finalizing NESHAP standards commonly known as the Mercury Air Toxics Standards (MATs). Because of active EPA reconsiderations and current litigation affecting the MATS and the NSPS amendments, the NSPS amendments that EPA finalized on and after February 16, 2012, are not proposed for adoption in this rulemaking. Rather, only the federal amendments as published through January 20, 2011, are adopted (these are the NSPS amendments currently adopted in subrule 23.1(2)).

Portland Cement Plants (Subpart F; paragraph “c”)

The amendment will adopt the revisions to the NSPS that EPA published on February 12, 2013. The revisions apply only to sources that commenced construction, reconstruction or modification after May 6, 2009.

Existing Nitric Acid Plants (Subpart G; paragraph “d”)

The amendment specifies that Subpart G now applies only to nitric acid production units that commenced construction or modification after August 17, 1971, and on or before October 14, 2011. Any facility that commenced construction or modification after October 14, 2011, is subject to Subpart Ga, as noted below.

New Nitric Acid Plants (Subpart Ga; paragraph “dddd”)

EPA published the NSPS for new and modified nitric acid plants on August 14, 2012.

Adoption of this standard would allow the Department to provide additional regulatory assistance to fertilizer plants permitted for construction or modification after August 14, 2012.

Hot Mix Asphalt Plants (Subpart I; paragraph “f”)

The Department is revising outdated and incomplete descriptions of the NSPS for hot mix asphalt plants. EPA did not make any changes to the NSPS. However, modernizing the descriptions of the NSPS provides clarity to regulated entities and the public, and assists in implementing the Department’s rules review plan.

Commercial and Industrial Solid Waste Incinerators (Subpart CCCC; paragraph “vvv”)

This paragraph is being updated to make clear that recent EPA amendments to the NSPS for commercial and industrial solid waste incinerators (CISWI) are not adopted. EPA revised the NSPS in 2011 and again in 2013, but the EPA amendments are under EPA reconsideration and active litigation. The changes specify that only the federal amendments as published through December 1, 2000, are adopted (these are the NSPS amendments currently adopted in subrule 23.1(2)).

Stationary Internal Combustion Engines (Subparts IIII and YYYY; paragraphs “yyy” and “zzz”)

On January 30, 2013, EPA updated the NSPS for stationary internal combustion engines (also known as the Engine NSPS). EPA revised the Engine NSPS concurrently with changing the NESHAP for stationary reciprocating internal combustion engines (commonly known as the RICE NESHAP).

In Executive Order (EO) 72, Governor Branstad rescinded adoption by reference of earlier changes EPA made to the RICE NESHAP. Subsequent to EO 72, EPA revised the RICE NESHAP on January 30, 2013, to provide more clarity and regulatory relief to affected facilities.

The Commission adopted the RICE NESHAP revisions in a previous rulemaking (see **ARC 1014C**, IAB 9/18/13).

The updated Engine NSPS includes corrections and clarifications, and matches the RICE NESHAP to provide more circumstances for emergency engines and for engines that participate in electricity management programs to operate under non-emergency conditions. EPA’s ensuing reconsideration of specific provisions of the Engine NSPS and RICE NESHAP has since been resolved.

The amendment includes adoption of the updated NSPS to be consistent with the previous adoption of the RICE NESHAP, and to ensure that the Department is the delegated authority for all federal air quality regulations applicable to stationary engines.

Test Methods (Amendments throughout Part 60)

The amendment adopts the changes EPA made to the NSPS test methods, as explained in the description above for Item 3.

NESHAP Amendments

Item 23 amends subrule 23.1(3) to adopt revisions to the NESHAP standards in 40 CFR Part 61 for EPA’s updates to test methods, as explained above for Item 3.

Item 24 amends subrule 23.1(4) to adopt federal amendments to the NESHAP for source categories, as described below.

The text in parentheses in each section heading below indicates the applicable subpart(s) in 40 CFR Part 63 and the corresponding paragraph(s) in subrule 23.1(4).)

Chromium Electroplating (Subpart N; paragraph “n”)

The amendment adopts revisions to the NESHAP for chromium electroplating facilities that EPA published on September 19, 2012. The NESHAP affects both major and area sources.

EPA's updates establish new work practice and emission standards that will lower chromium emissions from some facilities and equipment.

Facilities were required to comply with the work practice standards specified in the NESHAP by March 19, 2013. Facilities subject to new emissions or control requirements were required to comply with the new provisions by September 19, 2014. The Department estimates eleven existing facilities are subject to this NESHAP.

Pulp and Paper Industry (Subpart S; paragraph "s")

The amendment adopts EPA's revisions to the Pulp and Paper NESHAP that were published on September 11, 2012. At this time, no facilities in Iowa are affected by this NESHAP. However, the Department is aware of one facility that could become subject to the standards in the future, should the facility expand or make changes to its production process.

Offsite Waste and Recovery Operations (Subpart DD; paragraph "ad")

The amendment adopts changes to the standards for Offsite Waste and Recovery Operations published on March 18, 2015. At this time, no facilities in Iowa are affected by this NESHAP. However, existing facilities that change their production lines or new facilities could become subject to this NESHAP in the future.

Wood Furniture Manufacturing (Subpart JJ; paragraph "aj")

The amendment adopts changes to the standards for wood furniture manufacturing published on November 21, 2011. This NESHAP affects only major sources. EPA's revisions establish a work practice limit to reduce formaldehyde emissions from affected facilities. Facilities were required to comply with the new requirements by November 21, 2014. The Department estimates that nine existing facilities are currently subject to the NESHAP.

Generic MACT (Subpart YY; paragraph “ay”)

The amendment adopts EPA’s recent changes to the “Generic MACT” standards, published on October 8, 2014. EPA developed the Generic MACT in 1999 as a consolidated rule for source categories consisting of five or fewer major sources. Through the Generic MACT, EPA sets the Maximum Achievable Control Technology (MACT) for the specific source categories by referring to previously finalized MACT for similar sources in other categories. EPA’s stated goal in the Generic MACT is to promote regulatory consistency and predictability.

Currently, one facility in Iowa is affected by the Generic MACT. EPA’s recent revisions, however, do not apply to this facility.

Natural Gas Transmission and Storage (Subpart HHH; paragraph “bh”)

The amendment adopts EPA’s August 16, 2012, updates to the standards for natural gas transmission and storage. One facility has notified the Department that the facility is subject to the new NESHAP requirements. The facility is planning to comply with the requirements by the October 15, 2015, compliance date.

Flexible Polyurethane Foam Production (Subpart III; paragraph “bi”)

This update adopts the August 15, 2014, amendments to the standards for Flexible Polyurethane Foam Production. These standards apply only to major sources. New facilities, or the existing facilities in Iowa that change their production lines, could become subject to this NESHAP in the future.

Pesticide Active Ingredient Production (Subpart MMM; paragraph “bm”)

This revision adopts EPA’s amendments to the standards for pesticide active ingredient production, published on March 27, 2014. This NESHAP affects only major sources. The updated NESHAP required compliance with some new requirements starting on March 27, 2014,

and requires compliance with other new requirements by March 27, 2017. One facility has notified the Department that the facility is subject to the NESHAP.

Manufacture of Amino/Phenolic Resins (Subpart OOO; paragraph “bo”)

This amendment adopts EPA’s October 8, 2014, updates to the standards for Manufacture of Amino/Phenolic Resins. This NESHAP applies only to major sources. New facilities, or the existing facilities in Iowa that change their production lines, could become subject to this NESHAP in the future.

Test Methods (Amendments throughout Part 63)

The amendment also adopts the changes EPA made to the NESHAP test methods, as explained in the description above for Item 3.

Item 25 amends subparagraph 23.1(5)“a”(3) to correct an error in the emission guidelines for municipal solid waste landfills. This update clarifies that landfills must meet both the size and weight requirements indicated in the subparagraph, rather than one of these requirements, to be subject to the emission guidelines. The amendment makes the requirements consistent with the regulatory flexibility specified elsewhere in the emission guidelines.

Item 26 amends subrule 25.1(9) to adopt the revised federal methods for emissions testing and monitoring as described above for Item 3. The updates will make certain that only current federal test methods are used to demonstrate compliance with permit conditions, and that required test methods are no more stringent than federal methods.

Item 27 amends rule to adopt federal updates for monitoring methods under the Acid Rain program, as noted above for Item 3. This update ensures that state air quality rules for testing and monitoring are consistent and match federal regulations.

Item 28 amends subrule 26.2(2) to reflect the current federal levels and terminology for air pollution emergency episodes for ozone and particulate matter. This update helps to achieve the Department’s rules review plan. (This amendment does not affect the National Ambient Air Quality Standards (NAAQS) for ozone or particulate matter.)

Item 29 amends rule 567—27.1 (455B) to correct a reference to the Iowa Code from section 455B.145 to 455B.139.

Item 30 amends paragraph 27.3(4)“c,” to revise the variance procedures for local programs to be consistent with the Department’s variance procedures and rules specified in Chapter 21. This change provides regulatory certainty for affected facilities and additional flexibility for approved local air quality programs.

Item 31 amends rule 567—28.1(455B) to adopt by reference EPA’s revisions to the NAAQS for fine particulate matter (PM_{2.5}). On January 15, 2013, EPA published amendments to the primary (health-based) annual PM_{2.5} standard by lowering the level from 15.0 micrograms per cubic meter (mg/m³) to 12.0 mg/m³ to provide increased protection against health effects associated with long-term exposures. The Department has determined that no other changes to air quality rules are needed to implement the revised NAAQS for PM_{2.5}.

Item 32 amends rule 567—33.1(455B) to reflect EPA’s revisions to the PSD program. The specific revisions are adopted in Items 33, 34, and 35 and are described below.

Item 33 amends subrule 33.3(1) amends the present definition of “subject to regulation” in the same manner as described above for Item 14 to adopt the updated federal methods for estimating and reporting greenhouse gas emissions.

Item 34 amends subrule 33.3(9) to adopt by reference EPA’s revision to 40 CFR 52.21(i). On December 9, 2013, EPA rescinded the Significant Monitoring Concentration for

PM_{2.5}. On March 6, 2015, EPA added provisions explaining that areas designated as nonattainment for a NAAQS, and for which the NAAQS have since been revoked, are not considered to be current nonattainment areas. Specific PSD requirements may apply to facilities in those areas. This amendment will make certain that the state PSD requirements are identical to current federal regulations and are not more stringent than federal regulations.

Item 35 amends subrule 33.3(11) to adopt EPA’s updates to 40 CFR 52.21(k), published on December 9, 2013, to remove the Significant Impact Levels for PM_{2.5}. This change ensures that state PSD provisions match federal regulations.

Item 36 amends subrule 33.3(20) by correcting the table that lists the federal significance levels for PSD major source or major modification to remove the inaccurate title, “Significant Impact Levels (SILs).” This change should improve clarity for regulated facilities referring to these provisions.

Item 37 amends subrule 33.3(22) to allow for rescission of PSD permits that are no longer required for a source classified as major for PSD solely because of the source’s greenhouse gas emissions, or for a source emitting major levels of other pollutants that underwent a modification resulting in an increase of only greenhouse gas emissions above the levels specified for a major modification. This update matches changes EPA made to the federal PSD regulations in 40 CFR 52.21(w), published on May 7, 2015, in response to decisions by the U.S. Supreme Court and the amended appeals court judgement (*Utility Air Regulatory Group (UARG) v. EPA* and *Coalition for Responsible Regulation (Coalition) v. EPA*, respectively).

[**Note:** EPA’s published “direct final” rule is scheduled to become effective on July 6, 2015, provided that EPA does not receive adverse public comment prior to June 8, 2015. The Department will present this proposed amendment to the Commission only at such time as the

federal regulation is in effect.]

Anyone may make written suggestions or comments on the proposed rule changes on or before DATE TBD. Please direct written comments to Christine Paulson, Department of Natural Resources, Air Quality Bureau, 7900 Hickman Road, Suite 1, Windsor Heights, Iowa, 50324, fax (515) 725-9501, or by E-mail to christine.paulson@dnr.iowa.gov.

A public hearing will be held on DATE TBD at 1:00 p.m. in the conference rooms at the Department's Air Quality Bureau office located at 7900 Hickman Road, Windsor Heights, Iowa. All comments must be received no later than 4:30 p.m. on DATE TBD.

Any person who intends to attend the public hearing and has special requirements such as those related to hearing or mobility impairments should contact Christine Paulson at (515) 725-9510, or by E-mail at christine.paulson@dnr.iowa.gov to advise of any specific needs.

Jobs Impact Statement

The following is a summary of the jobs impact statement. The complete jobs impact statement is available from the Department upon request.

After analysis and review, the Department has determined that the amendments proposed in Items 1 through 21 and Items 25 through 36 will have no impact on private sector jobs, or will have a positive impact on private sector jobs. These amendments rescind unnecessary rules, update other rules, and streamline the rules to provide regulatory certainty and, in some cases, regulatory relief. These amendments also implement a portion of the Department's 5-year rules review plan as required under Iowa Code section 17A.7(2). Additionally, most of these amendments make changes that match federal regulations and eliminate inconsistency between federal and state rules. By adopting federal updates into state rules, the Commission is ensuring that Iowa's air quality rules are no more stringent than federal regulations.

For the amendments proposed for Items 22, 23, and 24 (adoption of new and amended NSPS and NESHAP), the Department has determined that jobs could be impacted. However, the proposed amendments are only implementing federally mandated regulations. The amendments are identical to the federal regulations and would not impose any regulations on Iowa businesses not already required by federal law. In some cases, the revised federal standards proposed for adoption provide more flexibility and potential cost savings for affected businesses, offering a positive impact on private sector jobs. Further, the proposed amendments allow the Department rather than EPA to be the primary agency to implement the standards in Iowa, thereby allowing the Department and its partners to provide compliance assistance to affected facilities.

These amendments are intended to implement Iowa Code sections 455B.133, 455B.139, 455B.145.

The following amendments are proposed.

ITEM 1. Amend the title of **567—Chapter 20** as follows:

CHAPTER 20

SCOPE OF TITLE—DEFINITIONS—~~FORMS~~—~~RULES OF PRACTICE~~

[Prior to 12/3/86, Water, Air and Waste Management [900]]

ITEM 2. Amend rule **567—20.1(455B, 17A)** as follows:

567—20.1(455B,17A) Scope of title. The department has jurisdiction over the atmosphere of the state to prevent, abate and control air pollution, by establishing standards for air quality and by regulating potential sources of air pollution through a system of general rules or specific permits. The construction and operation of any new or existing stationary source which emits or may emit any air pollutant requires a specific permit from the department, unless exempted by the department.

This chapter provides general definitions applicable to this title ~~and rules of practice, including forms, applicable to the public in the department's administration of the subject matter of this title.~~

Chapter 21 contains the provisions requiring compliance schedules, allowing for variances, and setting forth the emission reduction program. Chapter 22 contains the standards and procedures for the permitting of emission sources. Chapter 23 contains the air emission standards for contaminants. Chapter 24 provides for the reporting of excess emissions and the equipment maintenance and repair requirements. Chapter 25 contains the testing and sampling requirements for new and existing sources. Chapter 26 identifies air pollution emergency episodes and the

preplanned abatement strategies. Chapter 27 sets forth the conditions political subdivisions must meet in order to secure acceptance of a local air pollution control program. Chapter 28 identifies the state ambient air quality standards. Chapter 29 sets forth the qualifications for an observer for reading visible emissions. Chapter 30 is reserved. Chapter 31 contains ~~the conformity of general federal actions to the Iowa state implementation plan or federal implementation plan and requirements for areas designated nonattainment~~ rules for the nonattainment major new source review (NSR) program and general conformity. Chapter 32 specifies requirements for conducting the animal feeding operations field study. Chapter 33 contains special regulations and construction permit requirements for major stationary sources and includes the requirements for prevention of significant deterioration (PSD). Chapter 34 contains provisions for air quality emissions trading programs. Chapter 35 specifies the requirements for the department to provide financial assistance to eligible applicants for the purpose of reducing air pollution emissions.

All dates specified in reference to the Code of Federal Regulations (CFR) are the dates of publication of the last amendments to the portion of the CFR being cited.

ITEM 3. Amend rule **567—20.2(455B)**, definition of “EPA reference method,” as follows:

“EPA reference method” means the following methods used for performance tests and continuous monitoring systems:

1. Performance test (stack test). A stack test shall be conducted according to EPA reference methods specified in 40 CFR 51, Appendix M (as amended through ~~December 21, 2010~~ April 2, 2014); 40 CFR 60, Appendix A (as amended through ~~September 9, 2010~~ February 27, 2014); 40 CFR 61, Appendix B (as amended through ~~October 17, 2000~~ February 27, 2014);

and 40 CFR 63, Appendix A (as amended through ~~August 20, 2010~~ February 27, 2014).

2. Continuous monitoring systems. Minimum performance specifications and quality assurance procedures for performance evaluations of continuous monitoring systems are as specified in 40 CFR 60, Appendix B (as amended through ~~September 9, 2010~~ February 27, 2014); 40 CFR 60, Appendix F (as amended through ~~September 9, 2010~~ February 27, 2014); 40 CFR 75, Appendix A (as amended through ~~March 28, 2011~~ January 18, 2012); 40 CFR 75, Appendix B (as amended through March 28, 2011); and 40 CFR 75, Appendix F (as amended through ~~March 28, 2011~~ January 18, 2012).

ITEM 4. Rescind and reserve subrule **21.1(4)**.

ITEM 5. Amend paragraph **22.1(1)“b”** as follows:

b. New or reconstructed major sources of hazardous air pollutants. No person shall construct or reconstruct a major source of hazardous air pollutants, as defined in 40 CFR 63.2 and 40 CFR 63.41 ~~as amended through April 22, 2004~~ as adopted by reference in 567—subrule 23.1(4), unless a construction permit has been obtained from the department, which requires maximum achievable control technology for new sources to be applied. The permit shall be obtained prior to the initiation of construction or reconstruction of the major source.

ITEM 6. Amend subparagraph **22.1(1)“c”(2)** as follows:

(2) The applicant must cease construction if the department’s evaluation demonstrates that the construction, reconstruction or modification of the source will interfere with the attainment or maintenance of the national ambient air quality standards or will result in a

violation of a control strategy required by 40 CFR Part 51, Subpart G, as amended through ~~August 12, 1996~~February 19, 2015.

ITEM 7. Amend paragraph **22.1(2)“b,”** as follows:

b. Fuel-burning equipment for indirect heating or cooling with a capacity of less than 1 million Btu per hour input per combustion unit when burning untreated wood, untreated seeds or pellets, other untreated vegetative materials, or fuel oil, provided that the equipment and the fuel meet the conditions specified in this paragraph. Used oils meeting the specification from 40 CFR 279.11 as amended through ~~May 3, 1993~~July 14, 2006, are acceptable fuels for this exemption. When combusting used oils, the equipment must have a maximum rated capacity of 50,000 Btu or less per hour of heat input or a maximum throughput of 3,600 gallons or less of used oils per year. When combusting untreated wood, untreated seeds or pellets, or other untreated vegetative materials, the equipment must have a maximum rated capacity of 265,600 Btu or less per hour or a maximum throughput of 378,000 pounds or less per year of each fuel or any combination of fuels. Records shall be maintained on site by the owner or operator for at least two calendar years to demonstrate that fuel usage is less than the exemption thresholds. Owners or operators initiating construction, installation, reconstruction, or alteration of equipment (as defined in rule 567—20.2(455B)) on or before October 23, 2013, burning coal, used oils, untreated wood, untreated seeds or pellets, or other untreated vegetative materials that qualified for this exemption may continue to claim this exemption after October 23, 2013, without being restricted to the maximum heat input or throughput specified in this paragraph.

ITEM 8. Amend subparagraph **22.1(2)“x”(9)** as follows:

(9) Air compressors and ~~vacuum, pumps~~ vacuum pumps, including hand tools.

ITEM 9. Amend subparagraph **22.1(2)“ff”(1)**, numbered paragraph 2, as follows:

2. Welding operations for which initiation of construction, installation, reconstruction, or alteration (as defined in rule 567—20.2(455B)) occurred after October 23, 2013, using a consumable electrode, provided that the consumable electrode used falls within American Welding Society specification A5.18/A5.18M for Gas Metal Arc Welding (GMAW), A5.1 or A5.5 for Shielded Metal Arc Welding (SMAW), and A5.20 for Flux Core Arc Welding (FCAW), and provided that the quantity of all electrodes used at the stationary source of the acceptable specifications is below ~~1,600~~ 12,500 pounds per year for GMAW and ~~12,500~~ 1,600 pounds per year for SMAW or FCAW. Records that identify the type and annual amount of welding electrode used shall be maintained on site by the owner or operator for a period of at least two calendar years. For stationary sources where electrode usage exceeds these levels, the welding activity at the stationary source may be exempted if the amount of electrode used (Y) is less than:

Y = the greater of $84x - 1,200$ or ~~1,600~~ 12,500 for GMAW, or

Y = the greater of $11x - 160$ or ~~12,500~~ 1,600 for SMAW or FCAW

Where “x” is the minimum distance to the property line in feet and “Y” is the annual electrode usage in pounds per year.

If the stationary source has welding processes that fit into both of the specified exemptions, the most stringent limits must be applied.

ITEM 10. Amend paragraph **22.1(2)“oo”** as follows:

oo. A non-road diesel fueled engine, as defined in 40 CFR 1068.30 and as amended through ~~October 8, 2008~~ April 30, 2010, with a brake horsepower rating of less than 1,100 at full load measured at the shaft, used to conduct periodic testing and maintenance on natural gas pipelines. For the purposes of this exemption, the manufacturer’s nameplate rating shall be defined as the brake horsepower output at the shaft at full load.

ITEM 11. Amend subrule 22.1(3), the introductory paragraph, as follows:

22.1(3) *Construction permits.* The owner or operator of a new or modified stationary source shall apply for a construction permit. ~~Two copies~~ One copy of a construction permit application for a new or modified stationary source shall be presented or mailed to Department of Natural Resources, Air Quality Bureau, 7900 Hickman Road, Suite 1, Windsor Heights, Iowa 50324. Alternatively, the owner or operator may apply for a construction permit for a new or modified stationary source through the electronic submittal format specified by the department. An owner or operator applying for a permit as required pursuant to rules 567—31.3(455B) (nonattainment new source review) or 567—33.3(455B) (prevention of significant deterioration (PSD)), shall present or mail to the department one hard copy of a construction permit application to the address specified above, and, upon request from the department, shall also submit one electronic copy and one additional hard copy of the application. The owner or operator of any new or modified industrial anaerobic lagoon or a new or modified anaerobic lagoon for an animal feeding operation other than a small operation as defined in rule 567—65.1(455B) shall apply for a construction permit. Two copies of a construction permit application for an anaerobic lagoon shall be presented or mailed to Department of Natural

Resources, Water Quality Bureau, Henry A. Wallace Building, 502 East Ninth Street, Des Moines, Iowa 50319.

ITEM 12. Amend paragraph **22.1(3)“b,”** introductory paragraph, as follows:

b. Construction permit applications. Each application for a construction permit shall be submitted to the department on the ~~form “Air Construction Permit Application.”~~ permit application forms available only from the department. Final plans and specifications for the proposed equipment or related control equipment shall be submitted with the application for a permit and shall be prepared by or under the direct supervision of a professional engineer licensed in the state of Iowa in conformance with Iowa Code section 542B.1, or consistent with the provisions of Iowa Code section 542B.26 for any full-time employee of any corporation while doing work for that corporation. The application for a permit to construct shall include the following information:

ITEM 13. Amend rule ~~567—22.100(455B)~~, the definitions of “Designated representative,” “EPA reference method,” “Existing hazardous air pollutant source,” “High-risk pollutant,” and “Major source,” as follows:

“Designated representative” means a responsible natural person authorized by the owner(s) or operator(s) of an affected source and of all affected units at the source, as evidenced by a certificate of representation submitted in accordance with Subpart B of 40 CFR Part 72 as ~~amended to October 24, 1997,~~ through April 28, 2006, to represent and legally bind each owner and operator, as a matter of federal law, in matters pertaining to the acid rain program. Whenever the term “responsible official” is used in rules ~~567—22.100(455B) to 567—22.208(455B)~~, it

shall be deemed to refer to the designated representative with regard to all matters under the acid rain program.

“EPA reference method” means the following methods used for performance tests and continuous monitoring systems:

1. Performance test (stack test). A stack test shall be conducted according to EPA reference methods specified in 40 CFR 51, Appendix M (as amended through ~~December 21, 2010~~April 2, 2014); 40 CFR 60, Appendix A (as amended through ~~September 9, 2010~~February 27, 2014); 40 CFR 61, Appendix B (as amended through ~~October 17, 2000~~February 27, 2014); and 40 CFR 63, Appendix A (as amended through ~~August 20, 2010~~February 27, 2014).

2. Continuous monitoring systems. Minimum performance specifications and quality assurance procedures for performance evaluations of continuous monitoring systems are as specified in 40 CFR 60, Appendix B (as amended through ~~September 9, 2010~~February 27, 2014); 40 CFR 60, Appendix F (as amended through ~~September 9, 2010~~February 27, 2014); 40 CFR 75, Appendix A (as amended through ~~March 28, 2011~~January 18, 2012); 40 CFR 75, Appendix B (as amended through March 28, 2011); and 40 CFR 75, Appendix F (as amended through ~~March 28, 2011~~January 18, 2012).

“Existing hazardous air pollutant source” means any source as defined in 40 CFR 61 (~~as amended through July 20, 2004~~) as adopted by reference in 567—subrule 23.1(3), and 40 CFR 63.72 (~~as amended through December 29, 1992~~) as adopted by reference in 567—subrule 23.1(4) with respect to Section 112(i)(5) of the Act, the construction or reconstruction of which commenced prior to proposal of an applicable Section 112(d) standard.

“High-risk pollutant” means one of the following hazardous air pollutants listed in Table 1 in 40 CFR 63.74 ~~as amended through October 21, 1994~~ as adopted by reference in 567—

subrule 23.1(4).

“Major source” means any stationary source (or any group of stationary sources located on one or more contiguous or adjacent properties and under common control of the same person or of persons under common control) belonging to a single major industrial grouping that is any of the following:

1. A major stationary source of air pollutants, as defined in Section 302 of the Act, that directly emits or has the potential to emit 100 tons per year (tpy) or more of any air pollutant subject to regulation (including any major source of fugitive emissions of any such pollutant). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of Section 302(j) of the Act, unless the source belongs to one of the stationary source categories listed in this chapter.

2. A major source of hazardous air pollutants according to Section 112 of the Act as follows:

For pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tpy or more of any hazardous air pollutant which has been listed pursuant to Section 112(b) of the Act and these rules or 25 tpy or more of any combination of such hazardous air pollutants. Notwithstanding the previous sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emission from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources.

For Title V purposes, all fugitive emissions of hazardous air pollutants are to be

considered in determining whether a stationary source is a major source.

For radionuclides, “major source” shall have the meaning specified by the administrator by rule.

3. A major stationary source as defined in Part D of Title I of the Act, including:

For ozone nonattainment areas, sources with the potential to emit 100 tpy or more of volatile organic compounds or oxides of nitrogen in areas classified or treated as classified as “marginal” or “moderate,” 50 tpy or more in areas classified or treated as classified as “serious,” 25 tpy or more in areas classified or treated as classified as “severe” and 10 tpy or more in areas classified or treated as classified as “extreme”; except that the references in this paragraph to 100, 50, 25, and 10 tpy of nitrogen oxides shall not apply with respect to any source for which the administrator has made a finding, under Section 182(f)(1) or (2) of the Act, that requirements under Section 182(f) of the Act do not apply;

For ozone transport regions established pursuant to Section 184 of the Act, sources with potential to emit 50 tpy or more of volatile organic compounds;

For carbon monoxide nonattainment areas (1) that are classified or treated as classified as “serious” and (2) in which stationary sources contribute significantly to carbon monoxide levels, and sources with the potential to emit 50 tpy or more of carbon monoxide;

For particulate matter (PM-10), nonattainment areas classified or treated as classified as “serious,” sources with the potential to emit 70 tpy or more of PM-10.

For the purposes of defining “major source,” a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same major group (i.e., all have the same two-digit code) as described in the Standard Industrial

Classification Manual, 1987.

ITEM 14. Amend rule ~~567—22.100(455B)~~, definition of “Subject to regulation,” numbered paragraph “2,” as follows:

2. The term “tpy CO₂ equivalent emissions (CO₂e)” shall represent an amount of GHGs emitted and shall be computed by multiplying the mass amount of emissions (tpy) for each of the six greenhouse gases in the pollutant GHGs by the associated global warming potential of the gas published at 40 CFR Part 98, Subpart A, Table A-1, “Global Warming Potentials,” (as amended ~~on October 30, 2009~~ through December 24, 2014) and summing the resultant value for each to compute a tpy CO₂e.

ITEM 15. Amend subrule 22.102(3) as follows:

22.102(3) The following source categories are exempt from the obligation to obtain a Title V permit:

a. All sources and source categories that would be required to obtain a Title V permit solely because they are subject to 40 CFR 60, Subpart AAA, Standards of Performance for New Residential Wood Heaters, as amended through ~~December 14, 2000~~ March 16, 2015;

b. All sources and source categories that would be required to obtain a Title V permit solely because they are subject to 40 CFR 61, Subpart M, National Emission Standard for Hazardous Air Pollutants for Asbestos, Section 61.145, Standard for Demolition and Renovation, ~~as amended through July 20, 2004~~ as adopted by reference in 567—subrule 23.1(3).

c. All sources and source categories that would be required to obtain a Title V permit solely because they are subject to any of the following subparts from 40 CFR 63:

(1) Subpart M, National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities, ~~as amended through December 19, 2005~~ as adopted by reference in 567—subrule 23.1(4).

(2) Subpart N, National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks, ~~as amended through December 19, 2005~~ as adopted by reference in 567—subrule 23.1(4).

(3) Subpart O, Ethylene Oxide Emissions Standards for Sterilization Facilities, ~~as amended through December 19, 2005~~ as adopted by reference in 567—subrule 23.1(4).

(4) Subpart T, National Emission Standards for Halogenated Solvent Cleaning, ~~as amended through December 19, 2005~~ as adopted by reference in 567—subrule 23.1(4).

(5) Subpart RRR, National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production, ~~as amended through December 19, 2005~~ as adopted by reference in 567—subrule 23.1(4).

(6) Subpart VVV, National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works, ~~as amended through June 23, 2003~~ as adopted by reference in 567—subrule 23.1(4).

ITEM 16. Amend subrule 22.103(1), introductory paragraph, as follows:

22.103(1) *Insignificant activities excluded from Title V operating permit application.* In accordance with 40 CFR 70.5 (as amended through ~~July 21, 1992~~ October 6, 2009), these activities need not be included in the Title V permit application.

ITEM 17. Amend paragraph **22.103(2)“b”**, as follows:

b. The following are insignificant activities:

(1) Fuel-burning equipment for indirect heating and reheating furnaces or cooling units using natural or liquefied petroleum gas with a capacity of less than 10 million Btu per hour input per combustion unit.

(2) Fuel-burning equipment for indirect heating or cooling for which initiation of construction, installation, reconstruction, or alteration (as defined in rule 567—20.2(455B)) occurred on or before October 23, 2013, with a capacity of less than 1 million Btu per hour input per combustion unit when burning coal, untreated wood, or fuel oil.

Fuel-burning equipment for indirect heating or cooling for which initiation of construction, installation, reconstruction, or alteration (as defined in rule 567—20.2(455B)) occurred after October 23, 2013, with a capacity of less than 1 million Btu per hour input per combustion unit when burning untreated wood, untreated seeds or pellets, other untreated vegetative materials, or fuel oil provided that the equipment and the fuel meet the condition specified in this subparagraph (22.103(2) “b”(2)). Used oils meeting the specification from 40 CFR 279.11 as amended through ~~May 3, 1993~~ July 14, 2006, are acceptable fuels. When combusting used oils, the equipment must have a maximum rated capacity of 50,000 Btu or less per hour of heat input or a maximum throughput of 3600 gallons or less of used oils per year. When combusting untreated wood, untreated seeds or pellets, or other untreated vegetative materials, the equipment must have a maximum rated capacity of 265,600 Btu or less per hour or a maximum throughput of 378,000 pounds or less per year of each fuel or any combination of fuels.

(3) to (6) No change.

ITEM 18. Amend subrule 22.105(1), introductory paragraph, as follows:

22.105(1) *Duty to apply.* For each source required to obtain a Title V permit, the owner or operator or designated representative, where applicable, shall present or mail a complete and timely permit application in accordance with this rule to the following locations: Iowa Department of Natural Resources, Air Quality Bureau, 7900 Hickman Road, Suite 1, Windsor Heights, Iowa 50324 (two copies); and U.S. EPA Region VII, ~~901 North 5th Street, Kansas City, Kansas 66101~~ 11201 Renner Boulevard, Lenexa, Kansas, 66219 (one copy); and, if applicable, the local permitting authority, which is either Linn County Public Health Department, Air Quality Division, 501 13th Street NW, Cedar Rapids, Iowa 52405 (one copy); or Polk County Public Works, Air Quality Division, 5885 NE 14th Street, Des Moines, Iowa 50313 (one copy). Alternatively, an owner or operator may submit a complete and timely application through the electronic submittal format specified by the department.

ITEM 19. Amend subparagraph **22.108(17)“a”(2)**, as follows:

(2) The reopening and revision on this ground is not required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions have been extended pursuant to 40 CFR 70.4(b)(10)(i) or (ii) as amended to ~~May 15, 2001~~ through October 6, 2009; or

ITEM 20. Amend rule 567—22.120 (455B), as follows:

567—22.120 (455B) Acid rain program—definitions. The terms used in rules 567—22.120(455B) through 567—22.147(455B) shall have the meanings set forth in Title IV of the

Clean Air Act, 42 U.S.C. 7401, et seq., as amended through November 15, 1990, and in this rule. The definitions set forth in 40 CFR Part 72 as amended through ~~January 24, 2008~~, March 28, 2011, and 40 CFR Part 76 as amended through October 15, 1999, are adopted by reference.

“40 CFR Part 72,” or any cited provision therein, shall mean 40 Code of Federal Regulations Part 72, or the cited provision therein, as amended through ~~January 24, 2008~~ March 28, 2011.

“40 CFR Part 75,” or any cited provision therein, shall mean 40 Code of Federal Regulations Part 75, or the cited provision therein, as amended through ~~February 13, 2008~~ January 18, 2012.

“40 CFR Part 78,” or any cited provision therein, shall mean 40 Code of Federal Regulations Part 78, or the cited provision therein, as amended through ~~April 28, 2006~~ August 8, 2011.

ITEM 21. Amend subrule 22.128(4) as follows:

22.128(4) *Submission of copies.* ~~The original and three~~ Two copies of all permit applications shall be presented or mailed to the Air Quality Bureau, Iowa Department of Natural Resources, 7900 Hickman Road, Suite 1, Windsor Heights, Iowa 50324.

ITEM 22. Amend subrule 23.1(2) as follows:

23.1(2) *New source performance standards.* The federal standards of performance for new stationary sources, as defined in 40 Code of Federal Regulations Part 60 as amended or corrected through ~~June 28, 2011~~, February 27, 2014, are adopted by reference, except § 60.530 through § 60.539b (Part 60, Subpart AAA), and shall apply to the following affected facilities.

The corresponding 40 CFR Part 60 subpart designation is in parentheses. An earlier date for adoption by reference may be included with the subpart designation in parentheses. Reference test methods (Appendix A), performance specifications (Appendix B), determination of emission rate change (Appendix C), quality assurance procedures (Appendix F) and the general provisions (Subpart A) of 40 CFR Part 60 also apply to the affected facilities.

a. Fossil fuel-fired steam generators. A fossil fuel-fired steam generating unit of more than 250 million Btu heat input for which construction, reconstruction, or modification is commenced after August 17, 1971. Any facility covered under paragraph “z” is not covered under this paragraph. (Subpart D, as amended through January 20, 2011)

b. No change.

c. Portland cement plants. Any of the following in a Portland cement plant: kiln; clinker cooler; raw mill system; finish mill system; raw mill dryer; raw material storage; clinker storage; finished product storage; conveyor transfer points; bagging and bulk loading and unloading systems. (Subpart F ~~as amended through October 17, 2000~~)

d. Nitric acid plants. A nitric acid production unit. Unless otherwise exempted, these standards apply to any nitric acid production unit that commences construction or modification after August 17, 1971, and on or before October 14, 2011. (Subpart G)

e. No change.

f. ~~Asphalt concrete~~ Hot mix asphalt plants. ~~An asphalt concrete plant.~~ Each hot mix asphalt facility that commenced construction or modification after June 11, 1973. For the purpose of this paragraph, a hot mix asphalt facility is comprised only of any combination of the following: dryers; systems for screening, handling, storing, and weighing hot aggregate; systems

for loading, transferring, and storing mineral filler, systems for mixing hot mix asphalt; and the loading, transfer, and storage systems associated with emission control systems. (Subpart I)

g. to *y.* No change.

z. Electric utility steam generating units. An electric utility steam generating unit that is capable of combusting more than 250 million Btus per hour (73 megawatts) heat input of fossil fuel for which construction or modification or reconstruction is commenced after September 18, 1978, or an electric utility combined cycle gas turbine that is capable of combusting more than 250 million Btus per hour (73 megawatts) heat input. “Electric utility steam generating unit” means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW net-electrical output to any utility power distribution system for sale. Also, any steam supplied to a steam distribution system for the purpose of providing steam to a steam electric generator that would produce electrical energy for sale is considered in determining the electrical energy output capacity of the affected facility. (Subpart Da, as amended through January 20, 2011)

aa. to *bbb.* No change.

ccc. Industrial-commercial-institutional steam generating units. Unless exempted, each steam generating unit for which construction, reconstruction, or modification commenced after June 19, 1984, and which has a heat input capacity of more than 100 million Btu/hour. (Subpart Db, as amended through January 20, 2011)

ddd. to *kkk.* No change.

lll. Small industrial-commercial-institutional steam generating units. Each steam generating unit for which construction, modification, or reconstruction is commenced after June 9, 1989, and that has a maximum design heat input capacity of 100 million Btu per hour or less,

but greater than or equal to 10 million Btu per hour. (Subpart Dc, as amended through January 20, 2011)

mmm. to uuu. No change

vvv. Commercial and industrial solid waste incineration. Unless exempted, this standard applies to units for which construction is commenced after November 30, 1999, or for which modification or reconstruction is commenced on or after June 1, 2001. (Part 60, Subpart CCCC, as amended through December 1, 2000)

zzz. to cccc. No change.

dddd. Nitric acid plants. Unless otherwise exempted, these standards apply to any nitric acid production unit that commenced construction, reconstruction or modification after October 14, 2011. (Subpart Ga)

ITEM 23. Amend subrule 23.1(3), introductory paragraph, as follows:

23.1(3) Emission standards for hazardous air pollutants. The federal standards for emissions of hazardous air pollutants, 40 Code of Federal Regulations Part 61 as amended or corrected through ~~May 16, 2007~~, February 27, 2014, and 40 CFR Part 503 as adopted on August 4, 1999, are adopted by reference, except 40 CFR §61.20 to §61.26, §61.90 to §61.97, §61.100 to §61.108, §61.120 to §61.127, §61.190 to §61.193, §61.200 to §61.205, §61.220 to §61.225, and §61.250 to §61.256, and shall apply to the following affected pollutants and facilities and activities listed below. The corresponding 40 CFR Part 61 subpart designation is in parentheses. Reference test methods (Appendix B), compliance status information requirements (Appendix A), quality assurance procedures (Appendix C) and the general provisions (Subpart A) of Part 61 also apply to the affected activities or facilities.

ITEM 24. Amend subrule 23.1(4) as follows

23.1(4) *Emission standards for hazardous air pollutants for source categories.* The federal standards for emissions of hazardous air pollutants for source categories, 40 Code of Federal Regulations Part 63 as amended or corrected through ~~December 21, 2012,~~ March 18, 2015, are adopted by reference, except those provisions which cannot be delegated to the states. The corresponding 40 CFR Part 63 subpart designation is in parentheses. An earlier date for adoption by reference may be included with the subpart designation in parentheses ~~(except for paragraph 23.1(4) “ez,” which specifies a later date for adoption by reference).~~ 40 CFR Part 63, Subpart B, incorporates the requirements of Clean Air Act Sections 112(g) and 112(j) and does not adopt standards for a specific affected facility. Test methods (Appendix A), sources defined for early reduction provisions (Appendix B), and determination of the fraction biodegraded (Fbio) in the biological treatment unit (Appendix C) of Part 63 also apply to the affected activities or facilities. For the purposes of this subrule, “hazardous air pollutant” has the same meaning found in 567—22.100(455B). For the purposes of this subrule, a “major source” means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless a lesser quantity is established, or in the case of radionuclides, where different criteria are employed. For the purposes of this subrule, an “area source” means any stationary source of hazardous air pollutants that is not a “major source” as defined in this subrule. Paragraph 23.1(4) “a,” general provisions (Subpart A) of Part 63, shall apply to owners or operators who are subject to subsequent subparts of 40 CFR Part 63 (except

when otherwise specified in a particular subpart or in a relevant standard) as adopted by reference below.

a. to bk. No change.

bl. Emission standards for hazardous air pollutants for Portland cement manufacturing operations. These standards apply to all new and existing major and area sources of Portland cement manufacturing unless exempted. Cement kiln dust (CKD) storage facilities, including CKD piles and landfills, are excluded from this standard. Affected processes include, but are not limited to, all cement kilns and in-line kiln/raw mills, unless they burn hazardous waste. (Subpart LLL, as amended through December 20, 2006)

bm. to cy. No change.

cz. Emission standards for stationary reciprocating internal combustion engines. These standards apply to new and existing major sources and to new and existing area sources with stationary reciprocating internal combustion engines (RICE). For purposes of these standards, stationary RICE means any reciprocating internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work and which is not mobile. (Part 63, Subpart ZZZZ, as amended through January 30, 2013)

da. to fd. No change.

ITEM 25. Amend subparagraph **23.1(5)“a”(3)**, numbered paragraph “1,” as follows:

1. MSW landfill emissions at each MSW landfill meeting the conditions below shall be controlled. A design capacity report must be submitted to the director by November 18, 1997.

The landfill has accepted waste at any time since November 8, 1987, or has additional design capacity available for future waste deposition.

The landfill has a design capacity greater than or equal to 2.5 million megagrams ~~or~~ and 2.5 million cubic meters. The landfill may calculate design capacity in either megagrams or cubic meters for comparison with the exemption values. Any density conversions shall be documented and submitted with the report. All calculations used to determine the maximum design capacity must be included in the design capacity report.

The landfill has a nonmethane organic compound (NMOC) emission rate of 50 megagrams per year or more. If the MSW landfill's design capacity exceeds the established thresholds in 23.1(5) "a"(3)"1," the NMOC emission rate calculations must be provided with the design capacity report.

ITEM 26. Amend subrule 25.1(9) as follows:

25.1(9) *Methods and procedures.* Stack sampling and associated analytical methods used to evaluate compliance with emission limitations of 567—Chapter 23 or a permit condition are as follows:

a. Performance test (stack test). A stack test shall be conducted according to EPA reference methods as specified in 40 CFR 51, Appendix M (as amended through ~~December 21, 2010~~ April 2, 2014); 40 CFR 60, Appendix A (as amended through ~~September 9, 2010~~ February 27, 2014); 40 CFR 61, Appendix B (as amended through ~~October 17, 2000~~ February 27, 2014); and 40 CFR 63, Appendix A (as amended through ~~August 20, 2010~~ February 27, 2014). The owner of the equipment or the owner's authorized agent may use an alternative methodology if approved by the department in writing before testing. Each test shall consist of at least three separate test runs. Unless otherwise specified by the department, compliance shall be assessed on the basis of the arithmetic mean of the emissions measured in the three test runs.

b. Continuous monitoring systems. Minimum performance specifications and quality assurance procedures for performance evaluations of continuous monitoring systems are as specified in 40 CFR 60, Appendix B (as amended through ~~September 9, 2010~~ February 27, 2014); 40 CFR 60, Appendix F (as amended through ~~September 9, 2010~~ February 27, 2014); 40 CFR 75, Appendix A (as amended through ~~March 28, 2011~~ January 18, 2012); 40 CFR 75, Appendix B (as amended through March 28, 2011); and 40 CFR 75, Appendix F (as amended through ~~March 28, 2011~~ January 18, 2012). The owner of the equipment or the owner's authorized agent may use an alternative methodology for continuous monitoring systems if approved by the department in writing prior to conducting the minimum performance specification and quality assurance procedures.

c. No change.

ITEM 27. Amend rule 567—25.2 (455B) as follows:

567—25.2 (455B) Continuous emission monitoring under the acid rain program. The continuous emission monitoring requirements for affected units under the acid rain program as provided in 40 CFR Part 75, including Appendices A, B, F and K as amended through ~~January 24, 2008 (Appendix F also was corrected on February 13, 2008)~~ January 18, 2012, are adopted by reference.

ITEM 28. Amend subrule 26.2(2) as follows:

26.2(2) Declarations. In making determinations for the declaration of an air pollution episode condition, the commission, or the director will be guided by the criteria stated in the following paragraphs.

a. *Air pollution alert.* An alert will be declared when any one of the following levels is reached at any monitoring site, and when meteorological conditions are such that the contaminant concentrations can be expected to remain at those levels for 12 or more hours, or increase, unless control actions are taken.

- (1) Sulfur dioxide—800 micrograms per cubic meter (0.3 ppm), 24-hour average.
- (2) ~~Fine particulate~~ Particulate matter (~~PM-10~~ PM₁₀)—350 micrograms per cubic meter, 24-hour average.
- (3) Carbon monoxide—17 milligrams per cubic meter (15 ppm), eight-hour average.
- (4) ~~Oxidants (ozone)~~ Ozone—~~200 micrograms per cubic meter (0.1 ppm)~~ 400 micrograms per cubic meter (0.2 ppm), one-hour average.
- (5) Nitrogen dioxide—1,130 micrograms per cubic meter (0.6 ppm), one-hour average, or 282 micrograms per cubic meter (0.15 ppm), 24-hour average.

b. *Air pollution warning.* A warning will be declared when any one of the following levels is reached at any monitoring site and when meteorological conditions are such that the contaminant concentrations can be expected to remain at those levels for 12 or more hours or increase, unless control actions are taken.

- (1) Sulfur dioxide—1,600 micrograms per cubic meter (0.6 ppm), 24-hour average.
- (2) ~~Fine particulate~~ Particulate matter (~~PM-10~~ PM₁₀)—420 micrograms per cubic meter, 24-hour average.
- (3) Carbon monoxide—34 milligrams per cubic meter (30 ppm), eight-hour average.
- (4) ~~Oxidants (ozone)~~ Ozone—800 micrograms per cubic meter (0.4 ppm), one-hour average.

(5) Nitrogen dioxide—2,260 micrograms per cubic meter (1.2 ppm), one-hour average, or 565 micrograms per cubic meter (0.3 ppm), 24-hour average.

c. *Air pollution emergency.* An emergency will be declared when any one of the following levels is reached at any monitoring site, and when meteorological conditions are such that this condition can be expected to continue for 12 or more hours.

(1) Sulfur dioxide—2,100 micrograms per cubic meter (0.8 ppm), 24-hour average.

(2) ~~Fine particulate~~ Particulate matter (PM₁₀)—500 micrograms per cubic meter, 24-hour average.

(3) Carbon monoxide—46 milligrams per cubic meter (40 ppm), eight-hour average.

(4) ~~Oxidants (ozone)—1,200 micrograms per cubic meter (0.6 ppm)~~ Ozone—1,000 micrograms per cubic meter (0.5 ppm), one-hour average.

(5) Nitrogen dioxide—3,000 micrograms per cubic meter (1.6 ppm), one-hour average or 750 micrograms per cubic meter (0.4 ppm), 24-hour average.

d. No Change.

ITEM 29. Amend rule **567—27.1 (455B)** as follows:

567—27.1 (455B) General.

27.1(1) Purpose. Political subdivisions shall meet the conditions specified in this chapter if they intend to secure acceptance of the local air pollution control program and to obtain a certificate of acceptance from the director, as provided in Iowa Code section 455B.145.

27.1(2) Limitation. When a certificate of acceptance is issued to a political subdivision, the director retains authority to take emergency action as provided in Iowa Code section ~~455B.145~~ 455B.139.

This rule is intended to implement Iowa Code sections 455B.133, 455B.134, 455B.139, and 455B.143.

ITEM 30. Amend paragraph **27.3(4)“c,”** as follows:

c. Variances. A procedure for granting variances or extensions of time to attain compliance status, ~~providing that the authority to grant such variance or extension of time shall not be allocated to any administrative officer of the local control agency.~~

The local control agency shall maintain on file a record of the names, addresses, sources of emissions, types of emissions, rates of emissions, reason for granting, conditions and length of time specified, relating to all variances or extension of time granted; and shall make such records available to the commission or the department upon request.

ITEM 31. Amend rule **567—28.1(455B)** as follows:

567—28.1(455B) Statewide standards. The state of Iowa ambient air quality standards shall be the National Primary and Secondary Ambient Air Quality Standards as published in 40 Code of Federal Regulations Part 50 (1972) and as amended at 38 Federal Register 22384 (September 14, 1973), 43 Federal Register 46258 (October 5, 1978), 44 Federal Register 8202, 8220 (February 9, 1979), 52 Federal Register 24634-24669 (July 1, 1987), 62 Federal Register 38651-38760, 38855-38896 (July 18, 1997), 71 Federal Register 61144-61233 (October 17, 2006), 73 Federal Register 16436-16514 (March 27, 2008), 73 Federal Register 66964-67062 (November 12, 2008), 75 Federal Register 6474-6537 (February 9, 2010), ~~and~~ 75 Federal Register 35520-35603 (June 22, 2010), and 78 Federal Register 3086-3287 (January 15, 2013). The department shall implement these rules in a time frame and schedule consistent with implementation schedules in

federal laws and regulations.

This rule is intended to implement Iowa Code section 455B.133.

ITEM 32. Amend rule 567—33.1 (455B), the first introductory paragraph, as follows:

567—33.1 (455B) Purpose. This chapter implements the major New Source Review (NSR) program contained in Part C of Title I of the federal Clean Air Act as amended on November 15, 1990, and as promulgated under 40 CFR 51.166 and 52.21 as amended through ~~July 20, 2014~~ March 6, 2015. This is a preconstruction review and permitting program applicable to new or modified major stationary sources of air pollutants regulated under Part C of the Clean Air Act as amended on November 15, 1990. In areas that do not meet the national ambient air quality standards (NAAQS), the nonattainment major program applies. The requirements for the nonattainment major NSR program are set forth in 567—22.5(455B), 567—22.6(455B), 567—31.20(455), and 567—31.3(455B). In areas that meet the NAAQS, the PSD program applies. Collectively, the nonattainment major and PSD programs are referred to as the major NSR program.

ITEM 33. Amend subrule **33.3(1)**, definition of “Subject to regulation,” numbered paragraph “2” as follows:

2. For purposes of paragraphs “3,” “4,” and “5,” the term “tpy CO₂ equivalent emissions (CO₂e)” shall represent an amount of GHGs emitted and shall be computed as follows:

(a) Multiply the mass amount of emissions (tpy) for each of the six greenhouse gases in the pollutant GHGs by the associated global warming potential of the gas published at 40 CFR Part 98, Subpart A, Table A-1, “Global Warming Potentials,” (as amended ~~on October 30, 2009~~

through December 24, 2014). For purposes of this definition, prior to July 21, 2014, the mass of the greenhouse gas carbon dioxide shall not include carbon dioxide emissions resulting from the combustion or decomposition of non-fossilized and biodegradable organic material originating from plants, animals, or micro-organisms (including products, by-products, residues and waste from agriculture, forestry and related industries as well as the non-fossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of non-fossilized and biodegradable organic material).

(b) No change.

ITEM 34. Amend subrule 33.3(9) as follows:

33.3(9) *Exemptions.* The provisions for allowing exemptions from certain requirements for PSD-subject sources as specified in 40 CFR 52.21(i) as amended through ~~October 20, 2010~~, March 6, 2015, are adopted by reference.

ITEM 35. Amend subrule 33.3(11) as follows:

33.3(11) *Source impact analysis.* The provisions for a source impact analysis as specified in 40 CFR 52.21(k) as amended through ~~October 20, 2010~~, December 9, 2013, are adopted by reference.

ITEM 36. Amend subrule 33.3(20) as follows:

33.3(20) *Conditions for permit issuance.* Except as explained below, a permit may not be issued to any new “major stationary source” or “major modification” as defined in subrule 33.3(1) that would locate in any area designated as attainment or unclassifiable for any national

ambient air quality standard pursuant to Section 107 of the Act, when the source or modification would cause or contribute to a violation of any national ambient air quality standard. A major stationary source or major modification will be considered to cause or contribute to a violation of a national ambient air quality standard when such source or modification would, at a minimum, exceed the following significance levels at any locality that does not or would not meet the applicable national standard:

Significant Impact Levels (SILs)					
	Averaging Time				
	Annual	24 hrs.	8 hrs.	3 hrs.	1 hr.
Pollutant	($\mu\text{g}/\text{m}^3$)	($\mu\text{g}/\text{m}^3$)	($\mu\text{g}/\text{m}^3$)	($\mu\text{g}/\text{m}^3$)	($\mu\text{g}/\text{m}^3$)
SO ₂	1.0	5	_____	25	_____
PM ₁₀	1.0	5	_____	_____	_____
PM _{2.5}	0.3	1.2	_____	_____	_____
NO ₂	1.0	_____	_____	_____	_____
CO	_____	_____	500	_____	2000

A permit may be granted to a major stationary source or major modification as identified above if the major stationary source or major modification reduces the impact of its emissions upon air quality by obtaining sufficient emissions reductions to compensate for its adverse ambient air impact where the major stationary source or major modification would otherwise contribute to a violation of any national ambient air quality standard. This subrule shall not apply to a major stationary source or major modification with respect to a particular pollutant if the owner or operator demonstrates that the source is located in an area designated under Section 107 of the Act as nonattainment for that pollutant.

ITEM 37. Amend subrule 33.3(22) as follows:

33.3(22) Permit rescission. Any permit issued under 40 CFR 52.21 or this chapter or any permit issued under rule 567—22.4(455B) shall remain in effect unless and until it is rescinded. The department will consider requests for rescission that meet the conditions specified under paragraphs “a” and “b” of this subrule. If the department rescinds a permit or a condition in a permit issued under 40 CFR 52.21, this chapter, or rule 567—22.4(455B), the public shall be given adequate notice of the proposed rescission. Publication of an announcement of rescission in a newspaper of general circulation in the affected region 60 days prior to the proposed date for rescission shall be considered adequate notice.

a. The department may rescind a permit or a portion of a permit upon request from an owner or operator of a stationary source who holds a permit for a source or modification that was ~~issued under 40 CFR 52.21 as in effect on July 30, 1987, or earlier, provided the application also meets the provisions in paragraph “b” of this subrule.~~ issued:

(1) Under 40 CFR 52.21 as in effect on July 30, 1987, or earlier, provided the application also meets the provisions in paragraph “b” of this subrule (33.3(22));

(2) Under this chapter between July 1, 2011, and July 6, 2015, to a source that was classified as a major stationary source under subrule 33.3(1) solely on the basis of potential emissions of greenhouse gases, which were defined as a regulated NSR pollutant through the application of the provisions in subrule 33.3(1), definition of “subject to regulation,” paragraph “5(a),” as in effect during this time period; or

(3) Under this chapter between July 1, 2011, and July 6, 2015, for a modification that was classified as a major modification under subrule 33.3(1) solely on the basis of an increase in

emissions of greenhouse gases, which were defined as a regulated NSR pollutant through the application of the provisions in subrule 33.3(1), definition of “subject to regulation,” paragraph “5(b),” as in effect during this time period.

b. If the application for rescission meets the provisions in paragraph “*a*” of this subrule, the department may rescind a permit if the owner or operator shows that the PSD provisions under 40 CFR 52.21 or this chapter would not apply to the source or modification.

Date

Chuck Gipp, Director